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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/466,124	12/21/1999	MITCH A. BRISEBOIS	71493-591	9802

7590 03/14/2007

SMART & BIGGAR
PO BOX 2999 STATION D
900-55 METCALFE STREET
OTTAWA, K1P5Y6
CANADA

EXAMINER	
HOM, SHICK C	
ART UNIT	PAPER NUMBER
2616	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/466,124	BRISEBOIS ET AL.	
	Examiner	Art Unit	
	Shick C. Hom	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 July 2006 and 10 October 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12,21-23,26-28,30,31 and 36-43* is/are rejected.

7)☒ Claim(s) *13-20, 24-25, 29, 32-35* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/10/06 have been fully considered but they are not persuasive. In page 15 of the remarks, applicant argued that the independent claims have been amended to recite that the "maintained communication links" are such that "once established, is maintained throughout a session" would distinguished the claims over the prior art is not persuasive because it would appear that any communication link once established is maintained throughout a session.

Claim Rejections - 35 USC § 112

2. Claims 22-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 22 line 12 which recite "the first mobile station" and "the second mobile station" lack clear antecedent basis because no first nor second mobile station have been previously recited in the claim and therefore the limitation is not clearly understood. Claims 23-27 are rejected under 35 U.S.C. 112, second paragraph because they depend from rejected claim 22.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-3, 5-6, 8-12, 21-22, 23, 28, and 36-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson (6,115,613) in view of Hall et al. (6,032,051).

Regarding claims 1, 10-12, 22, 28, 36, and 40:

Jonsson discloses the means and method for controlling data unit communications between a plurality of mobile stations in a network comprising: enabling grouping of at least two of the plurality of mobile stations as members of a private network group (see col. 3 line 59 to col. 4 line 6 which recite the private mobile telephone network including the grouping of mobile telephones whereby each member of the group has access to the private network); enabling determination of whether a first mobile station and a second mobile station are members of the private network group (see col. 3 lines 10-27 which recite when a call attempt is received by a member of the subscriber group, i.e. the second mobile station, the identity of the subscriber group and the member placing the call attempt, i.e. the first mobile station, is determined); means for sending an error signal to the first mobile station if the first and second mobile stations are not both members of the private network group (see col. 7 line 29 to col. 8 line 4 which recite rejected call attempt by member of the group are terminated and given a

notice of the call rejection by a tone or recorded message clearly reads on the error signal).

Regarding claims 8, 21, 39, and 43:

Jonsson discloses further comprising means for determining if the data unit is of a type requiring limited access, and means for enabling communication of the data unit from the first mobile station to the second mobile station if the data unit is not of the type requiring limited access, even if the first and second mobile stations are not both members of the private network group (see col. 2 line 45 col. 3 line 14 which recite restrictions of access, i.e. limited access, of the group being a function of the subscription parameters and col. 5 lines 29-44 which recite the use of access code to override restriction normally imposed upon the group subscription).

Jonsson discloses all the subject matter of the claimed invention with the exception of enabling communication of data units from the first mobile station to the second mobile station through a maintained communication link between the first mobile station and the second mobile station only if they are both members of the private network group as in claims 1, 11, 12, 22, 28, 36, and 40; wherein each of the mobile stations has a corresponding Home Location Registration HLR; wherein the means for grouping at least two of the plurality of mobile stations as

members of a private network group comprises means for listing the HLRs of the at least two mobile stations within a private network group table; and wherein the means for determining if the first and second mobile stations are both members of the private network group comprises means for determining if the HLRs of the first and second mobile stations are both listed within the private network group table as in claims 2-3, 5-6, 23, 37-38, 41-42; means for sending a bandwidth request signal prior to enabling communications of the data unit if the second mobile station has insufficient bandwidth capabilities to receiver the data unit on the respective maintained communication link of the second mobile station as in claim 9.

Hall et al. from the same or similar fields of endeavor teach that it is known to provide the step of enabling communication of data units from the first mobile station to the second mobile station through a maintained communication link between the first mobile station and the second mobile station only if they are both members of the private network group (see col. 6 lines 48-53 which recite the closed user group receiving communication only from group members as in claims 1, 11, 12, 22, 28, 36, and 40); and wherein each of the mobile stations has a corresponding Home Location Registration HLR; wherein the means for grouping at least two of the plurality of mobile

stations as members of a private network group comprises means for listing the HLRs of the at least two mobile stations within a private network group table; and wherein the means for determining if the first and second mobile stations are both members of the private network group comprises means for determining if the HLRs of the first and second mobile stations are both listed within the private network group table (see col. 4 line 57 to col. 5 line 3 which recite the HLR data base includes mobile unit group membership information as in claims 2, 3, 5, 23); means for sending a bandwidth request signal prior to enabling communications of the data unit if the second mobile station has insufficient bandwidth capabilities to receiver the data unit on the respective maintained communication link of the second mobile station (see col. 1 lines 53-67 which recite checking status of group member to determine whether or not the group member is busy reads on sending a request signal prior to enabling communications as in claim 9).

Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide the step of enabling communication of data units from the first mobile station to the second mobile station through a maintained communication link between the first mobile station and the second mobile station only if they are both members of

the private network group; and wherein each of the mobile stations has a corresponding Home Location Registration HLR; wherein the means for grouping at least two of the plurality of mobile stations as members of a private network group comprises means for listing the HLRs of the at least two mobile stations within a private network group table; and wherein the means for determining if the first and second mobile stations are both members of the private network group comprises means for determining if the HLRs of the first and second mobile stations are both listed within the private network group table; means for sending a bandwidth request signal prior to enabling communications of the data unit if the second mobile station has insufficient bandwidth capabilities to receiver the data unit on the respective maintained communication link of the second mobile station as taught by Hall et al. in the communications system and method of Jonsson. The step of enabling communication of data units from the first mobile station to the second mobile station through a maintained communication link between the first mobile station and the second mobile station only if they are both members of the private network group; and wherein each of the mobile stations has a corresponding Home Location Registration HLR; wherein the means for grouping at least two of the plurality of mobile stations as members of a

private network group comprises means for listing the HLRs of the at least two mobile stations within a private network group table; and wherein the means for determining if the first and second mobile stations are both members of the private network group comprises means for determining if the HLRs of the first and second mobile stations are both listed within the private network group table; means for sending a bandwidth request signal prior to enabling communications of the data unit if the second mobile station has insufficient bandwidth capabilities to receiver the data unit on the respective maintained communication link of the second mobile station can be implemented by connecting the HLR and providing the step of enabling communication only if the mobile stations are both members of the private network group of Hall et al. to the system and control of Jonsson. The motivation for connecting the HLR and providing the step of enabling communication only if the mobile stations are both members of the private network group as taught by Hall et al. in the communication system and method of Jonsson et al. being that it provides more efficiency for the system design since the design uses the known means and method of providing HLR for verifying membership and it also provides the desirable added feature of restricting

communication only to group members of the private network in the system.

5. Claims 4, 7, 26-27 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson (6,115,613) and Hall et al. (6,032,051) in view of Fraccaroli (6,549,768).

Regarding claims 4, 26-27 and 30:

Jonsson and Hall et al. disclose the wireless network described in paragraph 4 of this office action. Jonsson and Hall et al. disclose all the subject matter of the claimed invention with the exception of wherein at least one of the plurality of apparatus is an intelligent peripheral coupled within a third generation wireless network as in claim 26; wherein at least one of the plurality of apparatus is a server coupled to a Local Area Network (LAN) and further comprising a mobile switching center coupled between the apparatus and the radio network controller, the mobile switching center comprising means for controlling the switching operations of the wireless network within a predefined cell cluster as in claims 27 and 30; and wherein the data addresses are IP addresses as in claims 4, 7.

Fraccaroli from the same or similar fields of endeavor teach that it is known to provide wherein at least one of the plurality of apparatus is an intelligent peripheral coupled within a third generation wireless network (see col. 6 lines 45-59 which recite use of the third generation wireless handsets as in claim 26); wherein at least one of the plurality of apparatus is a server coupled to a Local Area Network (LAN) and further comprising a mobile switching center coupled between the apparatus and the radio network controller, the mobile switching center comprising means for controlling the switching operations of the wireless network within a predefined cell cluster (see Fig. 1, the server 106 coupled to the network and the mobile switching center 104 for controlling the switching operations as in claims 27 and 30); and wherein the data addresses are IP addresses (see the abstract which recite the use of the Internet as in claims 4, 7). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide wherein at least one of the plurality of apparatus is an intelligent peripheral coupled within a third generation wireless network; and wherein at least one of the plurality of apparatus is a server coupled to a Local Area Network (LAN) and further comprising a mobile switching center coupled between the apparatus and the radio network

controller, the mobile switching center comprising means for controlling the switching operations of the wireless network within a predefined cell cluster; and wherein the data addresses are IP addresses as taught by Fraccaroli in the apparatus for group calls of Jonsson and Hall et al. The means wherein at least one of the plurality of apparatus is an intelligent peripheral coupled within a third generation wireless network; and wherein at least one of the plurality of apparatus is a server coupled to a Local Area Network (LAN) and further comprising a mobile switching center coupled between the apparatus and the radio network controller, the mobile switching center comprising means for controlling the switching operations of the wireless network within a predefined cell cluster can be implemented by providing the mobile communications system including the use of the third generation wireless network; the server; and mobile switching center; and wherein the data addresses are IP addresses of Fraccaroli into the system and method of Jonsson and Hall et al. The motivation for using wherein at least one of the plurality of apparatus being an intelligent peripheral coupled within a third generation wireless network; wherein at least one of the plurality of apparatus is a server coupled to a Local Area Network (LAN) and further comprising a mobile switching center coupled between the

apparatus and the radio network controller, the mobile switching center comprising means for controlling the switching operations of the wireless network within a predefined cell cluster and wherein the data addresses are IP addresses as taught by Fraccaroli in the apparatus for grouping calls of Jonsson and Hall et al. being that it provides the added feature of using third generation wireless network including the Internet and efficiency of design by using the server and mobile switching center in a wireless network.

6. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson (6,115,613) and Hall et al. (6,032,051) in view of Hamalainen et al. (6,249,584).

Regarding claim 31:

For claim 31, Jonsson and Hall et al. disclose the wireless network described in paragraph 4 of this office action. Jonsson and Hall et al. disclose all the subject matter of the claimed invention with the exception of wherein at least one of the mobile stations comprises a personal computer with a wireless modem.

Hamalainen et al. from the same or similar fields of endeavor teach that it is known to provide at least one of the

mobile stations comprising a personal computer with a wireless modem (see col. 6 lines 24-60). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide at least one of the mobile stations comprising a personal computer with a wireless modem as taught by Hamalainen et al. in the wireless network of Jonsson and Hall et al. The at least one of the mobile stations comprising a personal computer with a wireless modem can be implemented by connecting the personal computer with a wireless modem of Hamalainen et al. in the mobile station of Jonsson and Hall et al. The motivation for providing at least one of the mobile stations comprising a personal computer with a wireless modem as taught by Hamalainen et al. in the wireless network of Jonsson and Hall et al. being that it provides the added feature of connecting a personal computer or data terminal into the wireless network of Jonsson and Hall et al.

Conclusion

7. Claims 13-20, 24, 25, 29, and 32-35 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Tirabassi et al. disclose a communications system having predefined calling group.

Andersson et al. disclose a virtual private network management system.

Needham et al. disclose a method of providing group call services in a CDMA communications system.

Lopponen et al. discloses a method for controlling subscriber stations in a radio-telecommunications system.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C. Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SH SH

Seema S. Rao
SEEMA S. RAO 3/1/07
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600